

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MICHAEL PAUL HENDRIX, #1320173	§	
VS.	§	CIVIL ACTION NO. 5:06cv171
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. The Report recommended that this Court dismiss the Petition because Petitioner did not exhaust his state court remedies.

Petitioner filed objections to the Report. Petitioner states that he filed a state application for writ of habeas corpus but that the court has not yet rendered a decision. Petitioner says that he made a mistake in his petition by marking "no" in response to the question asking if he had filed a state application for writ of habeas corpus. He says that he should have marked "yes" because he has submitted a state application. In his motion to stay he asks this Court to stay the proceedings because he filed a state habeas petition and he needs to stay the proceedings until he has exhausted his state court remedies.

This Court made a *de novo* review of the objections and determined that they lack merit. If the state court has not yet rendered a decision, then Petitioner's state court remedies are not yet exhausted. This Court finds that the Magistrate Judge's findings and conclusions are correct, and

adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED** without prejudice;
and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 22nd day of January, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE